രിക്കുന്നു? ഇവിടത്തെ നിരാലംബരായ അഭിഭാഷകർക്ക് ക്ഷേമം ചെയ്യുന്നതിനും, അതിനുള്ള സൌകര്യങ്ങൾ ധനം കൊണ്ടും മറ്റു വിധത്തിലും ചെയ്തുകൊടുത്തു സഹായിക്കുന്നതിനും എന്തുകൊണ്ടു കൊച്ചി ഗവൺമെണ്ടിനു സാധിക്കുന്നില്ലെന്നാണ് ഞാൻ ചോദിക്കുന്നതു. ഈ തത്വം കൊച്ചി ഗവൺമെണ്ടു സ്വീകരിക്കുമോ ഇല്ലയോ എന്നു പരീക്ഷിക്കുവാനായിട്ട് ഞാൻ ഈ പ്രമേയത്തെ സഭയുടെ സ്വീകരണത്തിനായി ഇവിടെ പ്രസ്സു ചെയ്യുന്നു.

Resolution put and lost

RESOLUTION No. 30

Provident Fund for Advocates

Mr. A. V. Moothedan *(Chalakkudi): "This Council recommends to Government that the Hon'ble High Court may be requested to start a scheme of Provident Fund for Advocates, generally on the following lines.—*

(i) Every advocate who has 5 years standing at the Bar as an advocate or vakil may become a member of the Provident Fund.

(ii) Every such advocate may contribute at the rate of Rs. 5 p.m. for the first 10 years and at the rate of Rs. 10 p.m. for the next 10 years. Government shall contribute half the amount.

(iii) If the services of an advocate are terminated at the Bar, after contributing to the Provident Fund for more than 10 years, he shall be entitled to receive the whole amount standing to his credit; in all other cases, he shall be paid the actual amount contributed by him with interest".

Sir, the object of this resolution is very clear. There is, in some quarters, a belief that lawyers are parasites, living upon other people's earnings. Advocates, or lawyers, are persons who do great service to the society. They are absolutely necessary for the administration of justice between man and man. Without advocates, what can the High Court judges do? The judges cannot interpret law without hearing all aspects presented to them. Therefore, if we want proper administration of justice, lawyers are required. If that is so, considering the present circumstances, something should be done for their betterment. Sir, you may be knowing from your own experience that whenever calamities fall on the humanity, lawyers are the first to be affected. When there is economic depression, lawyers are first hit. When the cyclone comes, lawyers are hit first. When war breaks out, lawyers are hit first. Every possible calamity

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will adversely affect first the lawyers and then others gradually. Legal profession is not so lucrative as it was in olden days. Therefore, I have suggested a humble scheme for the Government's consideration. I gave notice of a motion for the Budget session, where I have stated that the Government should contribute equally. But now I have reduced it to half. This is more practical. With these few words I submit the motion for the consideration of the House.

മിസ്റ്റർ സി. വി. ഇയ്യു: ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. ഗവ മെണ്ടിൽനിന്നും അഡ്വൊക്കേറ്റ്സിനു് പ്രൊവിഡണ്ടു് ഫണ്ടു് കോൺട്രിബ്യൂട്ട് ചെയ്തു് കൊടുക്കുന്നതിനുള്ള ഏർപ്പാടു ചെയ്യേണ്ടതു് ആവശ്യംതന്നെയാണു്. അതുപോലെതന്നെ ഓണററി ഡോക്ടർമാരുടെ കാര്യത്തിലും ചെയ്തുകൊടുക്കേണ്ടതാണു്. മനുഷ്യർക്കു് എന്തെങ്കിലും ദീനം വന്നാൽ ചികിത്സിക്കുന്നതു് അവരാണു്. സൈക്ലോൺ റിലീഫ് ജോലിയും, യുദ്ധസേവനവും, സാമ്പത്തികാധഃപതനവും നിമിത്തം അവർക്കും വരുമാനം കുറഞ്ഞിട്ടുണ്ടു്.

Rama Varmha Tampuran *(Comptroller of Finance and Accounts):* What about Engineers?

മിസ്റ്റർ സി. വി. ഇയ്യു: ഉദ്യോഗത്തിലിരിക്കുന്ന എഞ്ചിനീയർമാർക്കു പുറമെ ഉദ്യോഗം കിട്ടീട്ടില്ലാത്ത എഞ്ചിനീയർമാർക്കും പ്രൊവിഡണ്ടു് ഫണ്ടു് കോൺട്രിബ്യൂട്ട് ചെയ്തു കൊടുക്കണം.

മിസ്റ്റർ പി. വി. റാഫേൽ: ഉദ്യോഗം കിട്ടീട്ടില്ലാത്ത ഗ്രാഡുവെറ്റ്സുതന്നെ ധാരാളമുണ്ടു്.

മിസ്റ്റർ സി. വി. ഇയ്യു: അതുപോലെതന്നെ പരിഷ്കൃതരാജ്യങ്ങളിലെപോലെ വിദ്യാഭ്യാസമുള്ള തൊഴിലാളികൾക്കും വേണ്ടതാണു്.

റാവുസാഹിബു് ഐ. എൻ. മേനോൻ: ഇതിന്റെ പരിധിയിൽപെടാത്ത വേറേയും ആളുകളുണ്ടോ?

മിസ്റ്റർ സി. വി. ഇയ്യു: അതിനെപ്പറ്റി തൊഴിലാളിമെമ്പർ ഇവിടെ ഉണ്ടായിരുന്നുവെങ്കിൽ അദ്ദേഹത്തോടു ചോദിക്കാമായിരുന്നു.

മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: ഈ റസല്യൂഷനെപ്പറ്റി പറഞ്ഞാൽ മതി.

മിസ്റ്റർ സി. വി. ഇയ്യു: ഈ റസല്യൂഷന്റെ പരിധിയിൽ പെടുത്താവുന്നവർക്കും കൂടി കൊടുത്താൽകൊള്ളാമെന്നുമാത്രമെ എനിക്കു പറയുവാനുള്ളു. ഈ പ്രമേയത്തിന്റെ തത്വത്തോടു ഞാൻ യോജിക്കുന്നു.

Rao Sahib I. N. Menon *(Director of Public Instruction):* On a point of information, is it the intention of the hon'ble member that contributions should be made by the Government?

Mr. A. V. Moothedan *(Chalakkudi):* Yes.

Rao Sahib I. N. Menon *(Director of Public Instruction):* The reason for my asking is, in the case of all provident funds, Government do not contribute anything.

Mr. A. V. Moothedan *(Chalakkudi):* Aided school teachers?

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Rao Sahib I. N. Menon *(Director of Public Instruction):* I am referring to civil servants.

Rama Varma Tampuran *(Comptroller of Finance and Accounts):* Government oppose this resolution. It is a very original resolution, and I think this Council has the great privilege of having on its agenda a resolution of such far-reaching nature. As pointed out in a two minutes speech by the Hon'ble Member for Kunnamkulam, the resolution surpasses in its scope anything that is outlined here. By extending the arguments that are supposed to be conveyed by this resolution to their logical extent, we do not know where we should stop. It is not known why the advocates alone should be included among people who do public service. Why not include the retail merchants, labourers, engineers, honorary doctors, as a matter of fact, any one who lives *(laughter)*, if it were extended to that? I do not understand why the hon'ble member restricted the scope of the resolution so ungenerously, and shut out deliberately, as it were, so many classes of persons who are doing equally good work for the State. For these reasons, the resolution sounds both uncharitable and impracticable. Government oppose it.

Mr. A. V. Moothedan *(Chalakkudi):* I am very thankful for the introductory compliments paid to my resolution by the Finance Member.

Rao Sahib K. Achyuta Menon *(Secretary to Government):* Why this five years' limit?

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* The hon'ble member has put in five years' practice.

Mr. A. V. Moothedan *(Chalakkudi):* Some people, after one or two years of practice, may not stick up to it. Those who want to stick up to the profession should only be considered. Some people after two or three years accept a post on Rs. 25—40. Such people may be excluded. Now, there is a fallacy in the argument of the Finance Member that if a Provident Fund is started for lawyers, then it will have to be done to others. How ingenious he is! I shall explain it by one illustration. I say I can walk three miles. Why can't you walk half a mile more, and if I walk $3\frac{1}{2}$ miles, why not I walk 4 miles and so on. Then you can walk one lakh of miles. If you extend like that, it will lead to absurdities. Why not give to every man, is the argument. That is a fallacious argument. There is a proposition here. You may accept it or not. It is one of my convictions that honorary service will not work. In Co-operative Department, the service is honorary, and the societies fail because of the honorary service. You pay for the services; then there will be greater

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efficiency and responsibility. If you start a provident fund like this, I say there will be more responsibility on the part of the advocates. They will feel that they can fall back upon something in the old age.

Rama Varmha Tampuran *(Comptroller of Finance and Accounts):* They are now in the public service.

Mr. A. V. Moothedan *(Chalakkudi):* We cannot leave the court without the leave of the judge. We are tied by so many rules and Standing Orders. Therefore, when you give Provident Fund to aided school teachers, why not you give to lawyers?

Rao Sahib I. N. Menon *(Director of Public Instruction):* It is not compulsory in the case of aided school teachers.

Mr. A. V. Moothedan *(Chalakkudi):* No lawyer is compelled to become a member of this fund also. An aided school teacher, if he wants, can join the fund.

Rao Sahib I. N. Menon *(Director of Public Instruction):* Not, if he wants. The manager must be willing.

Mr. A. V. Moothedan *(Chalakkudi):* Here also if the Government is willing, he can join. Therefore, I do not want to press the motion. I may be allowed to withdraw the motion.

Resolution by leave withdrawn

RESOLUTION No. 31

Higher rate of interest for Municipal funds lying with Government

*Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: *"This Council recommends to the Government to allow a greater rate of interest on Municipal funds lying in the hands of the Government"*

Sir, now Government compel our Municipal Councils to keep a large reserve fund, and these funds are retained in the hands of the Government. But Government is only allowing one per cent interest on the funds lying in their hands. My submission is, taking into consideration, the condition of the money market now, this 1 per cent rate of interest is too low. Our municipalities are hard pressed, to carry out the several beneficial schemes for want of money, and to expect our Councils to levy higher taxes in these days is rather impossible in the nature of things. If they decide to levy higher taxes, or license fees, it will amount to imposing great hardship on the people living in towns. So, in the fitness of things, Government will do well to allow a higher rate of interest or at least to allow the

*Speech not corrected by the hon'ble member.

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